IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 57 of 2005 (S/S)

Smt. Seema Rani Gaur
W/o Sri Raj Vardhan Gaur
C/o Rajendra Kumar Sharma
Sugar Factory Canteen
Post Office Kashipur
District Udham Singh Nagar .....Petitioner

Versus

1. Director of Education
   State of Uttaranchal, Dehradun.
2. Principal, Zila Evam Prakshikshan Sansthan
   Bhimtal, District Nainital. .....Respondents.

Shri Sharad Sharma, learned counsel for the petitioner.
Shri N.P. Sah, learned standing counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

By means of this petition, moved under Article 226 of Constitution of India, the petitioner has sought writ in the nature of mandamus commanding the respondents to permit the petitioner to join Special B.T.C. Course, starting from 05.01.2005. Another direction has also been sought by amending the petition seeking certiorari quashing the order dated 02.02.2005, passed by respondent No. 2, rejecting the representation of the petitioner.

2. Heard learned counsel for the parties.

3. Factual matrix of the case is that some advertisement was issued in the year 2001, inviting applications for Special B.T.C. Course. As per the terms mentioned in the advertisement, it was required that the candidate has to apply in the District of which he is a domicile. Admittedly, the petitioner who

belongs to Udham Singh Nagar, applied to the institution in Dehradun. The application appears to have not been considered. Thereafter the petitioner Smt. Seema Rani Gaur, in response to the advertisement of the year 2003, made proper application to the concerned authorities in the District of which she was domicile. But unfortunately by this time, she was overage. Copy of application, which is Annexure-2 to the writ petition, itself shows that the petitioner has mentioned her age 42 years and ten months as on 01.07.2004. The maximum age limit was 40 years only. In the circumstances, it appears that the petitioner's application is rejected as the petitioner by the time the applications were invited in the year 2003, was over age.

4. As is evident from the above facts since the petitioner did not fulfill the eligibility criterion being over age, she cannot be said to be entitled to join the Special B.T.C. Course. Apart from this, since the impugned Special B.T.C. Course starting from 05.01.2005, for six months, which is already over, no mandamus can be issued to the respondents to permit the petitioner now to join said course. Apart from this, the amended relief can also not be granted as even if the rejection of the representation of the petitioner (which is not even filed with this petition) is set aside still the same is not going to serve any purpose in view of the fact that the Special B.T.C. Course is already over. In other words, the writ petition has become infructuous.

5. For the reasons, as discussed above, the writ petition is dismissed. (All pending applications in this case also stand disposed of).

Dt. 13.12.2006 **(Prafulla C. Pant, J.)**

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